

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON 10.09.2018

PRONOUNCED ON: 17.09.2018

CORAM:

THE HON'BLE MR.JUSTICE T.RAVINDRAN

Tr.C.M.P.Nos.537 & 620 of 2018

and

C.M.P.No.15203 of 2018

&

C.M.P.No.13259 of 2018

Tr.C.M.P.No.537 of 2018

Banu

....Petitioner

Vs.

Shanmugam

....Respondent

Tr.C.M.P.No.620 of 2018

Shanmugam

....Petitioner

Vs.

U.Banu

....Respondent

Prayer in Tr.C.M.P.No.537 of 2018:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the Original Petition in H.M.O.P.No.65 of 2018 on the file of the Sub- Court at Kanchipuram and transfer the same to the file of the Family Court at Puducherry, for joint trial along with H.M.O.P.No.299 of 2018.

Prayer in Tr.C.M.P.No.620 of 2018:

Transfer Civil Miscellaneous Petition filed under Section 24 of C.P.C., to withdraw the petition in M.O.P.No.299 of 2018 on the file of the Family Court, Puducherry and transfer the same to the file of the Subordinate Court, Kancheepuram or

to any other courts to have a joint trial with H.M.O.P.No.65 of 2018.

For Petitioner
in Tr.C.M.P.No.537 of 2018
and
For Respondent
in Tr.C.M.P.No.620 of 2018 : Mr.P.Suresh Babu

For Respondent
in Tr.C.M.P.No.537 of 2018
and
For Petitioner
in Tr.C.M.P.No.620 of 2018 : Mr.B.Singaravelu

COMMON ORDER

The wife is the petitioner in Transfer Miscellaneous Petition No.537 of 2018. The husband is the petitioner in Transfer Miscellaneous Petition No.620 of 2018. The marital life between the parties is not cordial. Resultantly, it is found that the husband has laid the H.M.O.P.No.65 of 2018 for dissolution of marriage against the wife and the same is pending on the file of the Subordinate Court, Kancheepuram. The wife has laid M.O.P.No.299 of 2018 against the husband for restitution of conjugal rights and the same is pending on the file of the Family Court, Puducherry.

2. The wife has laid the Transfer Miscellaneous Petition to transfer the proceeding from Kancheepuram Court to Puducherry Court, whereas, the husband has laid the Transfer Miscellaneous Petition to transfer the proceeding from Puducherry Court to Kancheepuram Court. Both the parties expressed certain inconvenience and hardship in traveling to the place where the proceeding laid by the opponent party is pending and the same are considered.

3. During the course of arguments, it was suggested by both the parties that the Court lying midway could be chosen for the disposal of the abovesaid cases pending between the parties, accordingly, it is suggested by both the parties that the proceedings be transferred to the Principal Subordinate Court, Dindivanam, which is lying midway, for the determination of the issues involved between the parties in the abovesaid matters. Considering the lie of the Principal Subordinate Court, Dindivanam, it is found that the said court would be convenient

to both the parties for conducting the proceedings laid by them respectively and accordingly, in my considered opinion , the interest of justice would be advanced if both the proceedings are tried, heard and determined by the Principal Subordinate Court, Dindivanam.

4. In the light of the abovesaid factors, H.M.O.P.No.65 of 2018 is withdrawn from the file of the Subordinate Court, Kancheepuram and M.O.P.No.299 of 2018 is withdrawn from the file of Family Court, Puducherry and both the abovesaid cases are transferred to the file of the Principal Subordinate Court, Dinidvanam for disposal according to law and if need be, both the proceedings may be tried jointly. Accordingly, the abovesaid Transfer Miscellaneous Petitions are ordered. Consequently, connected miscellaneous Petition, if any, is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mfa
To

- 1.The Subordinate Court,
Kancheepuram.
- 2.The Family Court at
Puducherry.
- 3.Principal Subordinate Court,
Dinidvanam.

+lcc to Mr.B.Singaravelu, Advocate Sr.64290

+lcc to Mr.P.Suresh Babu, Advocate Sr.64240

Tr.C.M.P.Nos.537 & 620 of 2018
and
C.M.P.No.15203 of 2018
&
C.M.P.No.13259 of 2018

srg 1/10/2018